

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Misc. No. 03-70
)	
JEFFREY D. LOWERY,)	
)	
Defendant,)	
)	
NEW BERN TRANSPORT, CORP.,)	
)	
Garnishee.)	
)	
)	
)	
)	

FINAL ORDER OF GARNISHMENT

An Application for Writ of Continuing Garnishment was filed by the United States of America, and a Writ of Continuing Garnishment direction to Garnishee has been duly issued and served upon the Garnishee. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer stating that at the time of the service of the Writ they had in their possession or under their control personal property belonging to and due Defendant, in the form of earnings.

The Defendant was served with a copy of the Writ of Continuing Garnishment and notified of his right to a hearing. The Defendant has not requested a hearing to determine exempt property.

Whereupon the Court, having considered the Application for a Writ of Continuing Garnishment against the personal property of the Defendant, the Answer of the Garnishee, and

noting that the Defendant has not exercised her right to request a hearing now finds that the entry of the final order of garnishment is in all respects proper.

IT IS THEREFORE ORDERED that the Garnishee pay to Plaintiff, United States of America, at least monthly, the lessor of:

1. Twenty-five percent (25%) of Defendant's disposable earnings; **OR**
2. All amounts of Defendant's disposable earnings in excess of thirty times the federal minimum wage. See 15 U.S.C. §1673(a).
3. To calculate disposable earnings, subtract the following wages, commissions, and income:
 - a. Federal Income Tax;
 - b. Federal Social Security Tax;
 - c. State Income Tax;
 - d. City or Local Income Tax (if any).

IT IS FURTHER ORDERED that all monies previously withheld by the Garnishee in accordance with the Writ of Continuing Garnishment shall be paid immediately to the United States of America.

IT IS FURTHER ORDERED that these sums are to be applied upon the judgment entered in this case on January 12, 1999. The present balance due and owing as of October 7, 2009 is \$2,263.32, plus interest accruing at the rate of 5.391% per annum to the date of judgment, plus interest on the total judgment at the legal rate thereafter pursuant to 28 U.S.C. §1961 until paid. Said payments are to continue until the unpaid balance, plus accruing interest, to the Plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the debtor or until further Order of this Court. Checks **must** include "**CDCS Claim No. 2004A32028**" in the lower left corner and be made payable to the "**U.S. DEPARTMENT OF JUSTICE**" and mailed to:

**U.S. Department of Justice
Nationwide Central Intake Facility
P.O. Box 70932
Charlotte, NC 28272-0932**

This the 15th day of June, 2010.



U.S. DISTRICT COURT JUDGE